

January 26, 2005

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, January 26, 2005, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
ROBERT A. SYMONS, Fire and Rescue Chief
WILLIAM L. VAUGHN, Director of Community Development
RHONDA G. HENDERSON, Director of Planning
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Cuevas called the meeting to order at 6:00 p.m.

Deputy County Administrator led the Pledge of Allegiance, and Supervisor Floyd gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD -

AYE; KYGER - AYE; the Board approved the minutes of the Regular Meeting held on January 12, 2005.

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STUDENTS WELCOMED.

The Board welcomed to the meeting Government Class students from Spotswood and Turner Ashby High Schools.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

On motion by Supervisor Ahrend, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution No. 05-04.

RESOLUTION NO. 05-04

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Rockingham County, and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets described below meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation, and

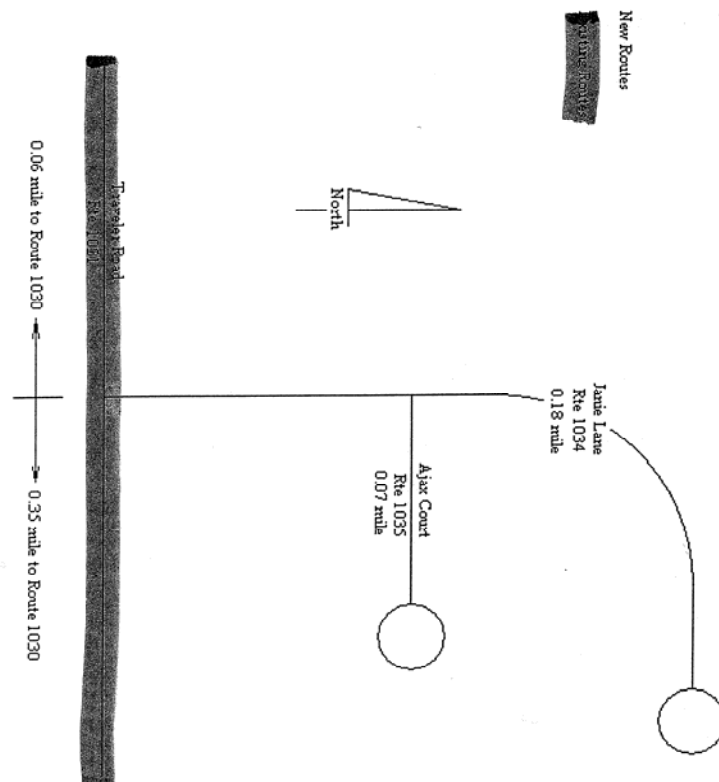
NOW, THEREFORE, BE IT RESOLVED this Board requests the Virginia Department of Transportation to add the following streets, a total distance of 0.25 mile to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements:

Name of Subdivision: Highland Park Section 8
Name of Street: Janie Lane (Rte 1034)
Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: February 12, 2004
Length: 0.18 mile Deed Book: 2433
Page: 165

Name of Subdivision: Highland Park Section 8
Name of Street: Ajax Court (Rte 1035)
Guaranteed right-of-way width: 50 feet.
Plat Recorded, Date: February 12, 2004
Length: 0.07 mile Deed Book: 2433
Page: 165

BE IT FURTHER RESOLVED this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.



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AMENDMENT TO CONTRACT WITH SOUTHERN HEALTH PARTNERS FOR JAIL SERVICES.

Following a presentation by Sheriff Don Farley, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved an amendment to the contract between Southern Health Partners and the County, to be renewed on July 1, 2005, as set forth in the Southern Health letter dated January 7, 2005; agreed to include \$386,955.26 for this purpose in the budget process for FY 2005-06; and authorized the County Administrator to execute the extension of the contract, subject to review by staff.

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**WATER STUDY - BENEFITS AND ENVIRONMENTAL IMPLICATIONS OF
USING POULTRY LITTER ON VIRGINIA SOILS.**

The Board heard a presentation by Dr. Greg Mullins, Professor, Virginia Tech University, concerning his research activities, "Evaluating the Agronomic Benefits and Environmental Implications of Using Poultry Litter as a Source of Plant Nutrients on Virginia Soils," specifically his environmental studies in the Shenandoah Valley. He expressed his appreciation to the County for its contribution to his research by the provision of a grant to assist in the hiring of a part-time assistant. Board members thanked Dr. Mullins for his presentation and for his time and efforts.

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PROPOSED PUBLIC TRANSIT PROGRAM AND CART RESOLUTION.

The Board heard a presentation by Reggie Smith, Director, Harrisonburg Public Transit, concerning the Metropolitan Planning Organization's (MPO) proposal for increased public transit services for the Bridgewater/Dayton/Mt. Crawford Loop.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tentatively endorsed the project as an opportunity to provide transportation for the businesses located along this corridor and to provide the opportunity for County residents to access services in the City of Harrisonburg; asked staff to arrange meetings with the towns to discuss their participation and, subsequently, to arrange meetings to discuss inclusion of other non-governmental entities in this arrangement. At Chairman Cuevas' request, Supervisor Kyger said he would be part of the group that meets with the towns.

The Board then heard a presentation by Betty Newell, President, Community Association for Rural Transportation (CART), concerning CART's continuing operation and its public transit options in the non-MPO area.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following Resolution NO. 01-05 authorizing CART to apply for State Public Transportation funding.

RESOLUTION NO. 01-05

BE IT RESOLVED by the Rockingham County Board of Supervisors that the Community Association for Rural Transportation, Inc., hereafter referred to as "CART", is authorized, for and on behalf of, Rockingham County, hereafter referred to as the "PUBLIC BODY," to execute and file an application to the Department of Rail and Public

Transportation, Commonwealth of Virginia, hereafter referred to as the, DEPARTMENT, for a grant of financial assistance in the amount of \$ 790,975 to defray the costs borne by CART for public transportation purposes and to accept from the DEPARTMENT grants in such amounts as may be awarded, and to authorize CART to furnish to the DEPARTMENT such documents and other information as may be required for processing the grant request.

The Rockingham County Board of Supervisors certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the PUBLIC BODY and CART will provide \$303,375 which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the PUBLIC BODY may be subject to audit by the DEPARTMENT and by the State Auditor of Public Accounts, and that funds granted the PUBLIC BODY for defraying the expenses of CART shall be used only for such purposes as authorized in the Code of Virginia.

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PUBLIC HEARING - REZONING REQUEST.

At 7:23 p.m., Chairman Cuevas declared the meeting open for a Public Hearing on the following rezoning request.

RZ05-4 Christians Creek, Inc., 2987 Middlebrook Road, Staunton, to rezone 2.3591 acres from A1 (Prime Agricultural) to M1-C (General Industrial with Conditions) on portions of tax parcels 40 (A) 94 and 40 (A) 97. The site is located on the south side of Evergreen Valley Road (Route 617), approximately ¾ mile west of Lohr Lane (Route 874), in Election District #1. The Comprehensive Plan designates this area as Agricultural Reserve. The applicant stated his intentions of reopening an existing food processing facility.

Christian VanNortwick explained that his company had a five-year contract to service military installations, that there would be no processing outside the existing buildings and that there may also be service to the area nursing homes.

Chairman Cuevas closed the public hearing and called the regular session back to order at 7:30 p.m.

At the request of Chairman Cuevas, on motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE;

the Board approved RZ05-4 Christians Creek, Inc., 2987 Middlebrook Road, Staunton, to rezone 2.3591 acres from A1 (Prime Agricultural) to M1-C (General Industrial with Conditions) on portions of tax parcels 40 (A) 94 and 40 (A) 97.

M1 permitted uses shall be limited to the following:

(f) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, and dairy products.

(o) Beverage manufacturing, bottling, or distribution facilities and food processing, packaging, or distribution.

(ab) Merchandise receiving, storage, shipping, distribution and non-store sales centers, including associated activities and facilities, such as, but not limited to, offices, automated operations, and computer facilities.

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PUBLIC HEARING -INCREASE IN THE E-911 TAX.

At 7:32 p.m., Chairman Cuevas declared the meeting open for a Public Hearing to consider an increase in the E-911 tax from \$1.50 to \$3.00 per subscriber line.

Mr. Paxton explained that the proceeds of the tax would provide communications for the County and the City of Harrisonburg, the Sheriff's Department, the Police Department, Fire and Rescue agencies, the Towns and the Massanutten Police. He noted that it would also be coordinated with the James Madison University Police. He noted that numerous grants had been applied for and about \$1 million had been received.

Charles Lawhorne, Retired Grottoes Police Chief; Richard Pullen, Elkton Police Chief; and Tony Stovall, Grottoes Police Chief; objected to the Towns having to pay the increased tax and also having to buy their own radio equipment in order to be a part of the new emergency communications system. They noted that the County had applied for a block grant to pay for the equipment but that it was being bought only for the County and City. They indicated that they did not object to the new system but asked the Board to come up with a fairer solution.

Mr. Paxton explained that the block grant referred to had not been approved, that the application was for \$2 million. He pointed out that each locality was expected to pay for its own radios; the County will pay for its radios, the City will pay for its radios and the towns would be expected to pay for their radios if they wished to be a part of the new system.

Chairman Cuevas noted that these matters were discussed over many months and that the towns were a part of those discussions.

Supervisor Kyger explained that the County supports the towns in many ways but that the towns set their own priorities as to how they will use their funds.

Walter Miller, Rockingham County Emergency Services Officers Association, said his group supported the proposal and noted that the current system is too unreliable.

Chairman Cuevas closed the public hearing and called the regular session back to order at 7:30 p.m.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board increased the E-911 tax as follows:

E-911 Telephone \$3.00

E-911 tax is levied per subscriber line and the rate is to be effective July 1, 2005.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated January 21, 2005, concerning State legislation, poultry house legislation, check signing process by Eden, Inc., Holtzman Convenience Center lighting and left-turn lanes, Personal Property Tax Relief Act changes and the emergency radio communications system.

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COUNTY ATTORNEY'S STAFF REPORT.

Mr. Brown did not have a written report.

DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report. He updated the Board on stream repairs, noting

there would be subtle changes in the design. He advised that the state funding was approved so the County's share would be 6% or \$23,000. He noted that the work should be finished by October. He also reported on a preconstruction meeting on the Technological and Industrial Park. Chairman Cuevas asked Mr. King to see that the local residents be made aware of the work that will be done on the streams.

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FINANCE DIRECTOR'S STAFF REPORT.

Mr. Allmendinger did not have a written report.

On motion by Supervisor Breeden, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following Finance Committee recommendations:

Approved a supplemental appropriation in the amount of \$5,660, representing insurance proceeds received for the Sheriff's Department for the total loss of a 1997 Ford Crown Victoria, less the deductible. The proceeds will be used for a replacement vehicle.

Supplemental Appropriation: \$5,660
GL Code: 001-03102-000-8005-000 (Vehicles)

As requested by the Social Services Director, approved a supplemental appropriation in the amount of \$15,133 for VIEW (Virginia Initiative for Work not Welfare). This is entirely federal and state funded, requiring no local match.

Supplemental Appropriation: \$15,133
GL Code: 220-05302-100-5757-000

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Ms. Hoover's staff report dated January 21, 2005, including information concerning Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School waterline extension, Grottoes Container site, Water/Sewer Specifications, and McGaheysville WWTP.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated January 21, 2005, including information concerning Planning Commission review of the Comprehensive Plan, Regional Bicycle Plan development, MPO Technical Advisory Committee meeting, Development activity, priority projects underway, tabled requests, and upcoming requests.

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FIRE & RESCUE DIRECTOR'S STAFF REPORT.

The Board received and reviewed Chief Symons' staff report dated January 20, 2005, concerning the fire management plan for the Shenandoah National Park.

It was the consensus of the Board to recommend that the Park Service incorporate within the Plan provisions for maintaining a defensible space between the forest and structures located in Rockingham County. Staff will send a letter to the Shenandoah National Park.

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APPOINTMENTS.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board appointed George Homan and reappointed James Gangwer to the Disability Services Board for three-year appointments expiring on December 31, 2007

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COMMITTEE REPORTS.

The Board heard Committee Reports by Board members and staff.

CLOSED MEETING.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by the following vote: AHREND - AYE;

BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 8:45 to 9:08 p.m. for consultation with the County Attorney pertaining to a possible boundary line adjustment, as set forth by Virginia Code Section 2.2-3771(A)(7).

At 9:08 p.m., Chairman Cuevas called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR AHREND RESOLUTION NO: X05-01
SECOND: SUPERVISOR KYGER MEETING DATE: JAN. 26, 2005

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

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INFORMATION ITEMS.

The Board received the following information items from the County Administrator.

- a. Treasurer's Quarterly Refund Report for October to December 30, 2004.
- b. Water report to State Health Department for December 2004.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 9:10
p.m.

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Chairman